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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Response to Amendment

1. Applicant's amendment and accompanying remarks mailed 11/19/2009 have been entered and carefully considered. Claims 1, 9, 10 and 13 are amended. Claims 11 and 12 had been previously cancelled. Claims 1-10 and 13-20 are now pending.
2. Applicant's arguments see page 8 of applicant's remarks, with respect to the objection to claims 13-20 have been fully considered and are persuasive. The objection of claims 13-20 has been withdrawn.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 6-10, 13, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burst, Jr. (US 7,088,677) in view of Wu et al (US-PGPUB 2003/0118011 A1) (herein after Wu).

Regarding claim 1, Burst teaches a method of controlling call admission within a system including a plurality of media gateways interconnected by a packet switched backbone, the method comprising the steps of [see column 6 lines 1-16 where systems and methods for detecting congestion and using the congestion information, Edge devices such as media gateways refuse new incoming connections from core network

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(the core network and media gateways together make up the packet switched backbone) is shown]:

monitoring the level of congestion suffered by incoming packets for a first gateway [see **column 16 lines 10-17 where media gateway detects and attempts to determine the point at which the link becomes congested and the congestion of the networks]**

wherein said incoming packets are transmitted from a group of media gateways over said backbone and wherein said first media gateway acting as a terminating media gateway for said group of media gateways [see **column 15 lines 57-65 where the packets are sent across a network and to other media gateways (a group of media gateways over said backbone) ; see also column 16 lines 23-27 where the destination gateway (first media gateway acting as a terminating media gateway) records arrival time of the packets]**; and receiving a request for said first media gateway to terminate a new bearer connection extending over said backbone from a second media gateway within said group of media gateways; making a decision on the admissibility of that request [see **column 8 lines 1-10 where the media gateway receives a request to create a call to a specific destination and where congestion is computed and is implied and as a result the media gateways at both ends-source and destination-stop admitting new calls]**; rejecting or accepting said request for said new bear connection based on said admission decision [see **column 18 lines 8-11 where the request for admission is rejected based upon the determined delay]**.

However, Burst does not, in the same embodiment, explicitly teach the decision is based upon the previously monitored level of congestion suffered by said first media gateway

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for said incoming packets from said second media gateway or from said group of media gateways. However, Burst in a different embodiment teaches the delay upon which the decision is made can be based upon D_b - "bearer packet delay" where D_b is calculated and stored in the congestion state table for later use (previously computed) [see **column 17 lines 60-67 (see also column 16 lines 30-32)**]. It would have been obvious for a person having ordinary skill in the art to use a previously determined congestion table. This is desirable in order to enable the media gateway processor utilize an organized information in performing CAC (connection admission control).

However, Burst does not explicitly teach the group of media gateways are identified by a specific subnet mask. However, Wu, in the same field of endeavor, teaches a load monitor that continuously collects workload data from multiple VoIP proxy servers [see **paragraph 0017**] where the load monitor receives workload information from a subnet of the entire VoIP proxy server network [see **paragraph 0041**]. It would have been obvious for a person having ordinary skill in the art to monitor gateways identified by a specific subnet mask. It is desirable to monitor gateways identified by a specific subnet in order to balance workload among the gateways (see paragraph 0017).

Regarding claim 6, Burst teaches the method according to claim 1, wherein said packet switched backbone is an Internet Protocol (IP) backbone [see **column 6 lines 28-31 where the network is shown to be an IP network core**].

Regarding claim 7, Burst teaches the method according to claim 1, wherein said step of making said decision on the admissibility of said request is made at said first media gateway [see column 7 lines 4-8 where the destination gateway performs the Connection Admission Control including refusing connection requests to nodes over links that the gateway has determined are congested].

Regarding claim 8, Burst teaches the method according to claim 1, wherein said step of making the decision on the admissibility of said request is made at the a media gateway controller controlling said first media gateway and said monitored congestion levels are signaled to the media gateway controller by the first media gateway [see column 12 lines 1-5 where the media gateway processor (media gateway controller) utilizes information stored in a congestion state table (first media gateway) in performing said Call Admission Control].

Regarding claim 9, Burst teaches a media gateway arranged to control call admission within a system including a plurality of media gateways interconnected by a packet switched backbone, the media gateway comprising [see column 6 lines 1-16 where systems and methods for detecting congestion and using the congestion information, Edge devices such as media gateways refuse new incoming connections from core network (core network and media gateways together make up the packet switched backbone) is shown]:

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means for monitoring the level of congestion suffered by incoming packets [**see column 16 lines 10-17 where media gateway detects and attempts to determine the point at which the link becomes congested and the congestion of the networks**] to that gateway from other media gateways over said backbone wherein said gateway acting as a terminating media gateway for said other media gateways [**see column 15 lines 57-65 where the packets are sent across a network and to other media gateways (a group of media gateways over said backbone) ; see also column 16 lines 23-27 where the destination gateway (first media gateway acting as a terminating media gateway) records arrival time of the packets**];

means for receiving or accepting a request for that media gateway to terminate a new bearer connection extending over said backbone from a requesting media gateway within said other media gateways; means coupled to the monitoring means and the receiving means for making a decision on the admissibility of that request [**see column 8 lines 1-10 where the media gateway receives a request to create a call to a specific destination and where congestion is computed and is implied and as a result the media gateways at both ends-source and destination-stop admitting new calls**]; means for rejecting said request for said new bearer connection based on said admission decision [**see column 18 lines 8-11 where the request for admission is rejected based upon the determined delay**].

However, Burst does not explicitly, in the same embodiment, teach the decision is based upon the previously monitored level of congestion suffered by said first media gateway for said incoming packets from said second media gateway or from said group of media

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gateways. However, Burst in a different embodiment teaches the delay upon which the decision is made can be based upon D_b - "bearer packet delay" where D_b is calculated and stored in the congestion state table for later use (previously computed) **[see column 17 lines 60-67 (see also column 16 lines 30-32)]**. It would have been obvious for a person having ordinary skill in the art to use a previously determined congestion table. This is desirable in order to enable the media gateway processor utilize an organized information in performing CAC (connection admission control).

However, Burst does not explicitly teach the group of media gateways are identified by a specific subnet mask. However, Wu, in the same field of endeavor, teaches a load monitor that continuously collects workload data from multiple VoIP proxy servers **[see paragraph 0017]** where the load monitor receives workload information from a subnet of the entire VoIP proxy server network **[see paragraph 0041]**. It would have been obvious for a person having ordinary skill in the art to monitor gateways identified by a specific subnet mask. It is desirable to monitor gateways identified by a specific subnet in order to balance workload among the gateways (see paragraph 0017).

Regarding claim 10, Burst teaches a media gateway controller arranged to control call admission within a system including a plurality of media gateways interconnected by a packet switched backbone **[see fig. 4A '402' where a media gateway processor (media controller) is shown within a system; and see column 6 lines 1-16 where systems and methods for detecting congestion and using the congestion information, Edge devices such as media gateways refuse new incoming connections from core network**

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(the core network and media gateways together make up the packet switched backbone) is shown], the media gateway controller comprising: an interface towards a first media gateway and means for receiving monitored congestion levels from said first media gateway [see column 12 lines 1-5 where the media gateway processor (media gateway controller) utilizes (interfaces and receives) information stored in a congestion state table (first media gateway) in performing said Call Admission Control];

the monitored congestion levels being indicative of the congestion suffered by incoming packets to said first media gateway from other media gateways over said backbone wherein said first media gateway acting as a terminating media gateway for said other media gateways [see column 16 lines 10-17 where media gateway detects and attempts to determine the point at which the link becomes congested and the congestion of the networks; and see column 15 lines 57-65 where the packets are sent across a network and to other media gateways (a group of media gateways over said backbone) ; see also column 16 lines 23-27 where the destination gateway (first media gateway acting as a terminating media gateway) records arrival time of the packets and computes delay];

means for receiving a call request requiring that said first media gateway terminate a new bearer connection extending over said backbone from a second media gateway within said other media gateways; means for making a decision on the admissibility of that request based upon the congestion level suffered by said incoming packets for said first media gateway from said second media gateway or from said other media gateways ; [see

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column 8 lines 1-10 where the media gateway receives a request to create a call to a specific destination (receiving call request requiring that said first media terminate a new bearer connection) and where

and means for rejecting or accepting said request for said new bearer connection based on said decision [see **column 18 lines 5-140 where congestion is computed and is implied and as a result the media gateways at both ends-source and destination-stop admitting new calls**].

However, Burst does not explicitly teach the group of media gateways are identified by a specific subnet mask. However, Wu, in the same field of endeavor, teaches a load monitor that continuously collects workload data from multiple VoIP proxy servers [see **paragraph 0017**] where the load monitor receives workload information from a subnet of the entire VoIP proxy server network [see **paragraph 0041**]. It would have been obvious for a person having ordinary skill in the art to monitor gateways identified by a specific subnet mask. It is desirable to monitor gateways identified by a specific subnet in order to balance workload among the gateways (see paragraph 0017).

Regarding claim 13, Burst teaches a computer program product within a computer usable medium [see **column 18 lines 16-20 where a computer readable medium having computer readable instructions for performing congestion detection and program for performing connection admission control is shown**] for controlling call admission within a system including a plurality of media gateways interconnected by a packet switched backbone [see **column 6 lines 1-16 where systems and methods for detecting**

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congestion and using the congestion information, Edge devices such as media gateways refuse new incoming connections from core network (the core network and media gateways together make up the packet switched backbone) is shown], the computer program comprising instructions within the computer usable medium for: monitoring the level of congestion suffered by incoming packets for a first gateway **[see column 16 lines 10-17 where media gateway detects and attempts to determine the point at which the link becomes congested and the congestion of the networks]** wherein said incoming packets are transmitted from a group of media gateways over said backbone and wherein said first media gateway acting as a terminating media gateway for said group of media gateways **[see column 15 lines 57-65 where the packets are sent across a network and to other media gateways (a group of media gateways over said backbone) ; see also column 16 lines 23-27 where the destination gateway (first media gateway acting as a terminating media gateway) records arrival time of the packets];** and receiving a request for said first media gateway to terminate a new bearer connection extending over said backbone from a second media gateway within said group of media gateways; making a decision on the admissibility of that request **[see column 8 lines 1-10 where the media gateway receives a request to create a call to a specific destination and where congestion is computed and is implied and as a result the media gateways at both ends-source and destination-stop admitting new calls];** However, Burst does not explicitly, in the same embodiment, teaches the decision is based upon the previously monitored level of congestion suffered by said first media

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gateway for said incoming packets from said second media gateway or from said group of media gateways. However, Burst in a different embodiment teaches the delay upon which the decision is made can be based upon Db-"bearer packet delay" where Db is calculated and stored in the congestion state table for later use (previously computed) **[see column 17 lines 60-67 (see also column 16 lines 30-32)]**. It would have been obvious for a person having ordinary skill in the art to use a previously determined congestion table. This is desirable in order to enable the media gateway processor utilize an organized information in performing CAC (connection admission control).

However, Burst does not explicitly teach the group of media gateways are identified by a specific subnet mask. However, Wu, in the same field of endeavor, teaches a load monitor that continuously collects workload data from multiple VoIP proxy servers **[see paragraph 0017]** where the load monitor receives workload information from a subnet of the entire VoIP proxy server network **[see paragraph 0041]**. It would have been obvious for a person having ordinary skill in the art to monitor gateways identified by a specific subnet mask. It is desirable to monitor gateways identified by a specific subnet in order to balance workload among the gateways (see paragraph 0017).

Regarding claim 18, Burst teaches the computer program product according to claim 13, wherein said packet switched backbone is an Internet Protocol (IP) backbone **[see column 6 lines 28-31 where the network is shown to be an IP network core]**.

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Regarding claim 19, the computer program product according to claim 13, wherein said instructions for making said decision on the admissibility of said request for said first media gateway to terminate said new bearer connection is made at the first media gateway [see column 7 lines 4-8 where the destination gateway performs the Connection Admission Control including refusing connection requests to nodes over links that the gateway has determined are congested].

Regarding claim 20, Burst teaches the computer program product according to claim 13, wherein said instructions for making the decision on the admissibility of said request for said first media gateway to terminate said new bearer connection is made at a media gateway controller controlling said first media gateway, and said monitored congestion levels are signaled to the media gateway controller by the first media gateway [see column 12 lines 1-5 where the media gateway processor (media gateway controller) utilizes information stored in a congestion state table (first media gateway) in performing said Call Admission Control].

5. Claims 2 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burst as applied to claims 1,6-10,13, and 18-20 above, and further in view of Rao (US 6,876,627 B1) (herein after Rao).

Regarding claim 2, Burst teaches the method according to claim 1 including the step of monitoring the level of congestion suffered by said incoming packets for said first media

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gateway as discussed above. However, Burst does not explicitly teach the step of: examining said incoming packets received at said first media gateway to determine whether or not they contain a congestion notification flag. However, Rao, in the same field of endeavor (VOIP) teaches monitoring congestion in a network in a Connection Admission Control by monitoring congestion notifications sent in a form of a bit within a header in a packet [see column 4 lines 21-33]. Therefore, it would have been obvious for a person having ordinary skill in the art to monitor the level of congestion suffered by incoming packets to a one of a plurality of media gateways comprising examining packets received at that gateway to determine whether or not they contain a congestion notification flag. This is desirable because it allows the controller make prompt decisions on call admission and switching calls to alternate links based on real time QOS updates including congestion which allows the carrier guarantee VOIP quality of service to its subscribers.

Regarding claim 14, Burst teaches the computer program product according to claim 13, including the instructions for monitoring the level of congestion suffered by said incoming packets for said first media gateway as discussed above. However, Burst does not explicitly teach examining said incoming packets received at that first media gateway to determine whether or not they contain a congestion notification flag. However, Rao, in the same field of endeavor (VOIP), teaches monitoring congestion in a network in a Connection Admission Control by monitoring congestion notifications sent in a form of a bit within a header in a packet [see column 4 lines 21-33]. Therefore, it

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would have been obvious for a person having ordinary skill in the art to monitor the level of congestion suffered by incoming packets to a one of a plurality of media gateways comprising examining packets received at that gateway to determine whether or not they contain a congestion notification flag. This is desirable because it allows the controller make prompt decisions on call admission and switching calls to alternate links based on real time QOS updates including congestion which allows the carrier guarantee VOIP quality of service to its subscribers.

6. Claims 3, 5, 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burst as applied to claims 1,6-10,13, and 18-20 above, and further in view of Murphy et al. (US 6,542,499) (herein after Murphy).

Regarding claim 3, Burst teaches the method according to claim 1, including the step of monitoring the level of congestion suffered by said incoming packets for said first media gateway. However, Burst does not explicitly teach the step of: monitoring the rate at which incoming packets are dropped. However, Murphy in the same field of endeavor (VOIP) teaches monitoring the rate at which packets are dropped [**column 8 lines 37-39 where congestion is detected by monitoring packet loss**]. It would have been obvious for a person having ordinary skill in the art to monitor the rate at which packets are dropped in order to determine the need and perform fall back call link for communications that need call fall back.

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Regarding claim 5, Burst teaches the method according to claim 1 including the step of monitoring the level of congestion suffered by said incoming packets for said first media gateway as discussed above regarding claim 1. However, Burst does not explicitly teach the step of: associating incoming packets or packet sequences with an originating gateway based upon source addresses or parts of source addresses. However, Murphy teaches a controller looks for IP address identified with congestion and If congestion is detected, a link is established and the call is migrated [see [see column 10 line 66-column 11line 3].

It would have been obvious for a person having ordinary skill in the art to associate incoming packets with an originating gateway based on source address. This is desirable because it allows the gateway to determine the need and perform fall back call link for communications that need call fall back.

Regarding claim 15, Burst teaches the computer program product according to claim 13, including instructions for monitoring the level of congestion suffered by said incoming packets for said first media gateway as discussed above. However, Burst does not explicitly teach instructions for monitoring the rate at which packets are dropped. However, Murphy in the same field of endeavor (VOIP) teaches monitoring the rate at which packets are dropped [column 8 lines 37-39 where congestion is detected by monitoring packet loss]. It would have been obvious for a person having ordinary skill in the art to monitor the rate at which packets are dropped in order to determine the need and perform fall back call link for communications that need call fall back.

Regarding claim 17, Burst teaches the computer program product according to claim 13, including instructions for monitoring the level of congestion suffered by said incoming packets for said first media gateway as discussed above. However, Burst does not explicitly teach instructions for associating incoming packets or packet sequences with an originating gateway based upon source addresses or parts of source addresses. However, Murphy teaches a controller looks for IP address identified with congestion and If congestion is detected, a link is established and the call is migrated **[see [see column 10 line 66-column 11line 3]**.

It would have been obvious for a person having ordinary skill in the art to associate incoming packets with an originating gateway based on source address. This is desirable because it allows the gateway to determine the need and perform fall back call link for communications that need call fall back.

7. Claims 4 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burst as applied to claims 1,6-10,13, and 18-20 above, and further in view of Rao as applied to claims 2 and 14 and Murphy as applied to claims 3, 5, 15 and 17 above.

Regarding claim 4, Burst teaches the method according to claim as discussed above. However, Burst does not explicitly teach the steps of: monitoring the rate at which incoming packets are dropped by the backbone. However, Murphy in the same field of endeavor (VOIP) teaches monitoring the rate at which packets are dropped **[column 8**

lines 37-39 where congestion is detected by monitoring packet loss]. It would have been obvious for a person having ordinary skill in the art to monitor the rate at which packets are dropped in order to determine the need and perform fall back call link for communications that need call fall back.

However, Burst does not explicitly teach examining said incoming packets received at said first media gateway to determine whether or not said incoming packets contain a congestion notification flag. However, Rao, in the same field of endeavor (VOIP) teaches monitoring congestion in a network in a Connection Admission Control by monitoring congestion notifications sent in a form of a bit within a header in a packet [**see column 4 lines 21-33**]. Therefore, it would have been obvious for a person having ordinary skill in the art to monitor the level of congestion suffered by incoming packets to a one of a plurality of media gateways comprising examining packets received at that gateway to determine whether or not they contain a congestion notification flag. This is desirable because it allows the controller make prompt decisions on call admission and switching calls to alternate links based on real time QOS updates including congestion which allows the carrier guarantee VOIP quality of service to its subscribers.

Regarding claim 16, Burst teaches the computer program product according to claim 13, including instructions for monitoring the level of congestion suffered by said incoming packets for said first media gateway as discussed above. However Burst does not explicitly teach instructions for monitoring the rate at which packets are dropped by the backbone. However, Murphy in the same field of endeavor (VOIP) teaches monitoring

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the rate at which packets are dropped [**column 8 lines 37-39 where congestion is detected by monitoring packet loss**]. It would have been obvious for a person having ordinary skill in the art to monitor the rate at which packets are dropped in order to determine the need and perform fall back call link for communications that need call fall back.

However, Burst does not explicitly teach examining said incoming packets received at the first media gateway to determine whether or not said incoming packets contain a congestion notification flag. However, Rao, in the same field of endeavor (VOIP) teaches monitoring congestion in a network in a Connection Admission Control by monitoring congestion notifications sent in a form of a bit within a header in a packet [**see column 4 lines 21-33**]. Therefore, it would have been obvious for a person having ordinary skill in the art to monitor the level of congestion suffered by incoming packets to a one of a plurality of media gateways comprising examining packets received at that gateway to determine whether or not they contain a congestion notification flag. This is desirable because it allows the controller make prompt decisions on call admission and switching calls to alternate links based on real time QOS updates including congestion which allows the carrier guarantee VOIP quality of service to its subscribers.

Response to Arguments

8. Applicant's arguments with respect to claims 1-10 and 13-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SORI A. AGA whose telephone number is (571)270-1868. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on (571)272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/S. A. A./

Examiner, Art Unit 2476

/Ayaz R. Sheikh/

Supervisory Patent Examiner, Art Unit 2476